

REMARKS/ARGUMENTS

The Examiner has delineated the following inventions as being patentably distinct.

Group I: Claims 1-6, drawn to a method for producing a polishing pad, classified in class 264, subclass 331.190.

Group II: Claims 7-9, drawn to a polishing pad, classified in class 451, subclass 526.

Applicants provisionally elect with traverse, Group II, Claims 7-9, in view of the following arguments why all of the claims should be examined.

The claims of Group I are integrally linked with the claims of Group II. Final products and method for making said product are interdependent and should be examined together. There is a commonality that exists between Groups I and II. It is a technical relationship that involves the same features, and it is this technical feature that defines the contribution which each of the Groups taken as a whole make over the prior art, Claims to the necessary process for producing the claimed product of the process must be examined along with claims to the elected invention M.P.E.P. § 809.

The Examiner simply alleges that the process claims can be used to make other products or that the products can be made by another method. However, the Examiner has failed to supply any references or specific examples to support the allegation that the process can be used to make other products or that the products can be made by a different process. To simply allege a different product/process is not sufficient to suggest separate inventions, and the Office has failed to show that a burden exists in searching all of the claims. Different classification does not necessitate different inventions. Restriction is only proper if the claims of the restricted groups are not related.

Further, M.P.E.P. § 803 states as follows:

“If search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits even though it includes claims to distinct and independent inventions.”


Applicants submit that a search of all the claims would not constitute a serious burden on the Office.

Further, Applicants reserve the right to file a divisional application on the non-elected subject matter, if so desired, and be accorded the benefit of the filing date of the parent application.

Applicants respectfully submit that the above-identified application is now in condition for examination on its merits, and an early notice of such action is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Paul J. Killos', is written over a horizontal line.

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